Notice of Allowability	Application No.	Applicant(s)	
	10/776,201	GOTTLIEB ET AL.	
	Examiner	Art Unit	
	Dung Lam	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *4/23/07*.

2. ☒ The allowed claim(s) is/are *1,3-7,9,12-31 and 33-51*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

 * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

 Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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Allowable Subject Matter

Claims *1,3-7,9,12-31 and 33-51* are allowed.

The following is an examiner's statement of reasons for allowance:

Claim 1 discloses a digital communication device for identifying and communicating with other digital connnunication devices within a communication range, comprising:

a transmitter configured to transmit a first control signal and a first voice signal directly to other digital communication devices without utilizing fixed towers to re-transmit the first control signal and the first voice signal;

a receiver configured to receive a second control signal and a second voice signal directly from at least one of the other digital communication devices without utilizing fixed towers to re-transmit the second control signal and the second voice signal;

a computational unit configured to control the transmitter to periodically transmit identifying information as the first control signal, the first control signal being received as remote identifying information by the other digital communication devices within the communication range;

a user interface having a display area for displaying information corresponding to at least a portion of the second control signal of received from the other digital

communication devices, wherein the information is displayed on the display area as a list selectable by a user to create a selected set of digital communication devices;

a speaker configured to output the second voice signal received by the receiver; and a microphone configured to receive a voice communication from the user,

wherein the user interface includes a transmit button, and the computational unit is configured to control the transmitter and the microphone to transmit the voice communication as the first voice signal while the transmit button is selected by the user to the selected set of digital communication devices,

wherein the first voice signal is received by the other digital communication devices within the communication range, and

wherein the voice communication is output exclusively on the speaker of the selected set of digital communication devices within the communication range.

Claim 48 A method for identifying and communicating with digital communication devices within a communication range, comprising:

transmitting identifying information as a first control signal periodically directly to other digital communication devices without utilizing fixed towers to re-transmit the control signal;

receiving at least one second control signal as remote identifying information corresponding to the digital communication devices within the communication range directly from other digital communication devices without utilizing fixed towers to re-transmit the control signal and a voice signal;

displaying, on a display area, information corresponding to at least a portion of the remote identifying information on received from the digital communication devices within the communication range, wherein the information corresponding to the remote identifying information is displayed as a list selectable by a user to create a selected set of digital communication devices;

capturing a voice communication via a microphone; and

transmitting the voice communication as a voice signal while a transmit button is selected by the user to the selected set of digital communication devices;

wherein receiving the voice signal is received by the selected set of digital communication devices and the voice communication is output exclusively on the speaker of the selected set of digital communication devices.

The examiner notes that the claimed invention only reads on digital devices that communicate with one another directly without retransmitting to any other network infrastructure or intermediary. The prior art of records fail to teach all of the above limitations in combination with the underlined limitations of the independent claims 1 and 48. Therefore, the claims are allowed based on the Remarks filed on 4/23/07.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Lam whose telephone number is (571) 272-6497. The examiner can normally be reached on M - F 9 - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER